

Christopher Angius (OR SBN 84157) (admitted in Northern District)  
 Chung-Han Lee (SBN 231950)  
 HOLLAND & KNIGHT LLP  
 50 California Street, 28th Floor  
 San Francisco, California 94111  
 Telephone: (415) 743-6900  
 Facsimile: (415) 743-6910

Attorneys for Defendant  
 MAYTAG CORPORATION



UNITED STATES DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA  
 SAN JOSE DIVISION

STATE FARM GENERAL INSURANCE  
 CO.,

No. C04-02990 JW (HRL)

**STIPULATED REQUEST FOR ORDER  
 CHANGING TIME AND [PROPOSED]  
 ORDER**

Plaintiff,

vs.

MAYTAG CORPORATION; FRY'S  
 ELECTRONICS, INC., and DOES 1 through  
 50, inclusive,

**[DECLARATION OF CHUNG-HAN LEE  
 FILED CONCURRENTLY HEREWITH]**

Defendants.

The parties make this stipulated request for an order changing time pursuant to Local Rule 6-2.

On December 1, 2004, the Court issued its initial Scheduling Order for this case providing various deadlines for the completion of expert discovery, all discovery and dispositive motions. In the Scheduling Order, the Court provided the following deadlines:

Disclosure of Expert Witnesses	July 1, 2005
Disclosure of Rebuttal Expert Witness	July 11, 2005
Motions to Exclude Expert Testimony	August 22, 2005, 9:00 a.m.
Close of Discovery	August 31, 2005
Last Day for Hearing Dispositive Motions	October 17, 2005, 9:00 a.m.

1 Preliminary Pretrial Statement

November 14, 2005

2 Preliminary Pretrial and Trial Setting Conference

November 28, 2005, 11:00 a.m.

3 Since the Court issued its initial Scheduling Order, the parties have been actively engaged in both  
4 fact and expert discovery.

5 On June 24, 2005, the parties filed a Stipulated Request for a two week extension for the  
6 disclosure of expert witnesses from July 1, 2005 to July 15, 2005 in order to accommodate the  
7 vacation and work schedules of some of the expert witnesses. Due to the extension for expert  
8 witness disclosures, the parties stipulate and respectfully request that the Court amend the  
9 Scheduling Order to provide the following deadlines:

10 **Disclosure of Expert Witnesses**

**July 15, 2005**

11 **Disclosure of Rebuttal Expert Witness**

**August 15, 2005**

12 **Motions to Exclude Expert Testimony**

**October 3, 2005, 9:00 a.m.**

13 **Close of Discovery**

**October 14, 2005**

14 **Last Day for Hearing Dispositive Motions**

**December 5, 2005, 9:00 a.m.**

15 **Preliminary Pretrial Statement**

**January 23, 2006**

16 **Preliminary Pretrial and Trial Setting Conference**

**February 6, 2006, 11:00 a.m.**

17 On July 7, 2005, the Court granted the Stipulated Request and issued an order amending the  
18 Scheduling Order to provide for the above deadlines. Since the Court issued its July 7, 2005 Order,  
19 the parties have made their initial expert witness disclosures on July 15, 2005 and made their  
20 rebuttal expert witness disclosures on August 15, 2005.

21 The parties now seek to extend the date by which Motions to Exclude Expert Testimony are  
22 to be heard until the deadline for hearing dispositive motions. Thus, the parties stipulate and  
23 respectfully request that the Court amend the Scheduling Order to provide the following deadlines:

24 **Last Day for Hearing Motions to Exclude**

25 **Expert Testimony**

**December 5, 2005, 9:00 a.m.**

26 The parties are stipulating to extend the date by which Motions to Exclude Expert Testimony to  
27 allow the parties to complete discovery before the October 14, 2005 Close of Discovery Deadline  
28 and allow the parties to take the depositions of the various experts in this case prior to the filing of

1 the Motions to Exclude. Under the current scheduling order, the parties would not have had the  
2 opportunity to take the experts' depositions prior to the filing of the motions to exclude given the  
3 short date between the deadline for rebuttal expert disclosure and the deadline for filing motions to  
4 exclude expert testimony.

5 The parties note that only one previous time modifications has been made in this case. This  
6 postponement in the date to hear motions to exclude expert testimony will not delay the case as  
7 neither the dispositive motion hearing or the preliminary pretrial and trial setting conference dates  
8 will change and no trial date has yet been set. The modification in the date to hear motions to  
9 exclude expert testimony does not extend any of the other deadlines set by the Court.

10 Counsel for State Farm has informed counsel for Maytag that State Farm is planning on  
11 filing a motion to exclude to be heard on October 3, 2005 and are not stipulating to have such  
12 motion continued until December 5, 2005. Maytag Corporation specifically reserves its rights to  
13 bring a motion or administrative request to continue the October 3, 2005 hearing date on State  
14 Farm's motion to exclude until a later date.

15 For the benefit of the Court, counsel for Maytag Corporation encloses a true and correct  
16 copy of the email correspondence (attached as Exhibit A to the Declaration of Chung-Han Lee filed  
17 concurrently hereto) between counsel for State Farm and counsel for Maytag regarding this  
18 Stipulated Request for the Court's consideration and review should the Court be inclined to reject  
19 this Stipulated Request as untimely.

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21 Pursuant to L.R. 6-2, this Stipulated Request is accompanied by the Declaration of Chung-  
22 Han Lee filed concurrently hereto.

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Holland & Knight LLP  
50 California Street, 28th Floor  
San Francisco, CA 94111  
Tel: (415) 743-6900  
Fax: (415) 743-6910

Respectfully submitted,  
HOLLAND & KNIGHT LLP

Dated: August 29, 2005

\_\_\_\_\_  
/s/  
CHUNG-HAN LEE  
Attorney for Defendants  
Maytag Corporation and Fry's Electronics

GRUNSKY EBEL FARRAR & HOWELL

Dated: August 29, 2005

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/s/  
REBECCA CONNOLLY  
Attorney for Plaintiff  
State Farm General Insurance Company

**PURSUANT TO STIPULATION, IT IS SO ORDERED.**

Dated: Sept. 02, 2005

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/s/ James Ware  
HON. JAMES WARE  
United States District Judge

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